

THE
PETITION

OF

B. F. Dowell and Others,

**ASKING PAY FOR TWO COMPANIES OF OREGON
VOLUNTEERS, AND THEIR EXPENSES,
CALLED INTO SERVICE IN 1854.**



BY

B. F. DOWELL,
Attorney for Claimants

JACKSONVILLE, OREGON,
OREGON SENTINEL OFFICE PRINT,

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WORDSWORTH

and the world is

OUR SOULS TO TALK WITH GOD IN PRAYER;
 OUR HEARTS TO TALK WITH GOD IN SILENCE;
 AND OUR MINDS TO TALK WITH GOD IN KNOWLEDGE.



THE TIMES
 ESTABLISHED 1851

PETITION

OF

B. F. DOWELL AND OTHERS,
ASKING PAY FOR TWO COMPANIES OF OREGON VOLUN-
TEERS AND THEIR EXPENSES.

*To the Honorable the Senate and House of Representatives
of the United States of America in Congress assembled:*

The Snake Indians on the northern Oregon emigrant road and their allies the Mo-does, Pi-utes and a portion of the Shasta Indians, who reside on the southern Oregon Emigrant road, have ever been very hostile against the whites, and the deadly hostilities of these Indians were particularly manifested in the early part of the summer of 1854 by a large body of them collecting together on the southern trail near Tule Lake, and by their stealing stock from the settlements in southern Oregon, and taking a pack train, and killing two men on the Siskiyou mountains, on the main road from Oregon to California; and soon afterwards by the indiscriminate massacre of men, women and children of a whole emigrant train on the northern Oregon emigrant road near Fort Boise. To suppress these hostilities, in August, 1854, seventy-one men, rank and file, of the 9th Regiment of Oregon Militia, under the command of Captain Jesse Walker, were called into active service by Colonel John E. Ross, under orders from John W. Davis, then Governor of Oregon Territory, for the protection of the emigrants on the southern Oregon emigrant trail.

About the last of August, 37 volunteers, rank and file, under the command of Captain Nathan O'ney, were called into active service by Major G. J. Rains, of the United States Army, commanding Fort Dilles, for the protection of the emigrants on the northern emigrant road.

Captain Walker's company traveled the trail from Jacksonville to the Humboldt river, and up the Humboldt about sixty miles, making a distance of five or six hundred miles, and met the enemy several times in large numbers, whipped, dispersed and drove them from the trail, and returned to Jacksonville.

Owing to the hostilities of the Indians no traders were stationed during the fall along the trail, and many of the emigrants were entirely destitute of bread.

Detachments of Captain Walker's command accompanied every train through the hostile country, and they frequently furnished the indigent

emigrants with the necessaries of life. Captain Olney's company traveled the road from Fort Dalles to beyond Fort Boise, a distance of about five hundred miles, and returned to the Dalles with the last of the emigration.

The regular army in the vicinity was wholly unable to keep peace in the settlements, and both companies were actually necessary for the protection of American citizens.

They did good service by feeding the destitute, and saving the lives and property of our best citizens from the ravages of hostile and blood-thirsty savages.

Captain Walker's company was in the service ninety-six days; Captain Olney's company was in the service fifty-one days.

The scarcity of United States troops, the hostilities of the Indians, and the necessity for volunteers to protect the emigrants between the Missouri river and California and Oregon, is clearly proven by the official reports of Major General John E. Wool, and the Secretary of War, and the special message of President Pierce, found in Senate Executive Document, Nos. 16 and 22 of the 2d session of the 33d Congress.

The dreadful massacres and deadly hostilities of the Indians, and the immediate necessity of Captain Walker's and Captain Olney's companies, are proven by the combined evidence of General Wool, Major G. J. Rains, Colonel Mansfield, Inspector-General of the United States Army, Hon. O. B. McFadden, Judge of the District Court, Hon. E. H. Cleaveland, Councilman elect, Alexander McI. tyre, legislative member elect from Jackson county, Oregon, Colonel John E. Ross, Gov. John W. Davis, George L. Curry, Acting Governor of Oregon, Capt. Jesse Walker, and by the resolutions and memorials of the Legislative Assembly of Oregon, and the depositions of Hon. D. R. Calhoun, E. W. Conner, W. T. Kershaw, E. Steele and A. M. Rosborough. The two last, both Indian Agents of Northern California, which is found in House Miscellaneous Document, No. 47, of the 2d session of the 35th Congress. Also, the official reports of Joel Palmer, Superintendent of Indian Affairs of Oregon, and R. R. Thompson, Indian Agent for Middle Oregon, which are found in the Report of the Commissioner of Indian Affairs of 1854, pages 261, 262, 277, 278, 279, 280, 284.

No volunteers of any State or Territory of the United States, who were regularly organized like these, have ever been so long neglected and unpaid as the Oregon Volunteers of 1854.

Yet it is perfectly natural for you to inquire and to demand proof:

1st. Whether these volunteers were necessary.

2d. Were the Indians hostile on both roads?

3d. Did not the whites cause the Indians to be hostile; or why have not these expenses been paid long ago by Oregon or the United States?

We propose to furnish the proof, and answer fully and satisfactorily these questions from the records of the country.

On the 28th day of February, 1854, Major General John E. Wool, commanding the District of the Pacific, reports to the Adjutant General that

"An increase of force to guard against difficulties with the Indians in California, Utah, Oregon and Washington is indispensable. We have now about 1,000 troops, daily diminishing by discharges and desirations. These are distributed over an immense territory in small commands. The number is wholly inadequate to give protection to either whites or Indians." Senate Executive Documents No. 16, 2d Session 33d Congress, page 11.

On the 31st day of March, 1854, General Wool reports to General Scott :
 "We have now less than one thousand men to guard and defend California, Oregon, Washington and Utah, altogether in size an empire of itself. A larger military force is indispensable."

Id. 51.

The Secretary of War, under date of April 14th, 1854, replies to General Wool in these words :

"Your knowledge of the numerical strength of the army, and the demand for troops upon the frontiers could only in the contingency of an increase of the army by an act of Congress, permit you to hope for a larger force. No such increase has yet been made."

Id. 52.

On the 30th of May, 1854, General Wool replies to the Secretary of War :

"In urging, in my communication of February 28th, that the troops be sent to California, my object was simply to apprise you, as well as the General-in-Chief, of the necessity of sending troops as soon as practicable, in order that the peace and quiet of the country might be preserved, which is almost daily threatened by the whites and Indians coming into contact with each other."

Id. 66.

On the 18th day of August, 1854, a few days after Captain Walker's company was organized, the Secretary of War censures General Wool in this language :

"You again refer to your oft repeated requisitions for more troops, and notwithstanding my letter of the 14th of April was sufficiently full and explicit on this point, and although you admit that you could not expect any more regiments until an increase of the army by an act of Congress, you permit yourself to censure the Department for not sending you a certain number of recruits, which, you remark, you 'might have at least expected,' when you could not, by any possibility, know whether the Department had that particular number, or, indeed, any number at its disposal. It would but add to the difficulty to send additional troops to your command, so long as you entertain the opinion that troops cannot be posted in the field except at places where barracks are prepared for their accommodation."

Id. 99.

General Wool, in a letter to Adjutant General Thomas, dated September 14th, 1854, says :

"In reply to a communication to Captain A. J. Smith, first dragoons, commanding Fort Lane, in which I called his attention to apprehended difficulties with the immigrants and the Indians, near Goose Lake, he informs me that all necessary measures have been taken in that quarter, and that he is on the alert to prevent disturbances.

"It seems a company of volunteers had been mustered into service, by the authority of the Governor of Oregon.

"Reports from Major G. J. Rains, 4th Infantry, commanding Fort Dalles, O. T., informed me that, on August 20th the emigrants *en route* for the west were attacked on Boise river, a branch of the Snake river, and eight men killed, and four women and five children carried away captive with all their property.

"Assistance was asked for by the Indian Agent (Mr. R. R. Thompson) and others, and I (Major Rains) despatched Brevet Major Haller, Lieutenant McFeely and Assistant Surgeon Suckly, with 26 soldiers, to the scene of the difficulty. Major Haller left August 30, and since, a company of volunteers having offered, 30 strong, their services were accepted and they were furnished with arms, horses, ammunition and rations, and left here, [Fort Dalles] yesterday, August 31st. Col. Mansfield, Inspector General, happened to be at Fort Dalles when the information arrived there. He writes from Fort Vancouver the 4th instant that Major Rains has acted promptly and efficiently. He was able to mount all the infantry and volunteers, and Colonel Bonneville has sent the artillery company from this post to Fort Dalles. No further steps need now be taken as to movement of troops at this season of the year, till further developments." Senate Executive Documents, No. 16, 2d Session, 33d Congress, page 104.

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On the 23d of October, 1854, General Wool, in a letter to the Adjutant General, while commenting on establishing a military post at Fort Boise, says:

I would prefer a company of dragoons to traverse the country in the neighborhood of Fort Boise, during the summer, and at the approach of winter to return to the Dalles and remain until spring. I have now three companies of dragoons, but with broken down horses which are wholly unfit for distant service. To supply these companies with effective horses, such as the service requires, would cost in this country a very large sum. *Each horse fit for service would cost from three to five hundred dollars.*"

Id. 115.

Mounted volunteers or dragoons are the only kinds of force that can subdue Indians. This shows that as late as the 23d of October, 1854, the Pacific coast was destitute of any regular forces, fit to traverse the plains and give protection to the emigrants. General Wool had but *three companies of dragoons for the whole Pacific coast, and their horses were wholly unfit for service.*

Under date of the 13th of December, 1854, the Secretary of War reviews the various reports of General Wool, and then sums up General Wool's claims for preserving the peace on the Pacific, thus:

"It would surely be very gratifying in me could I acknowledge your claim for having preserved peace in the Indian country, but to do this I should have to forget not only the outrages you yourself have reported, but others equal in atrocity to any that took place during the time of your predecessors."

Id. 127

After the Oregon volunteers were discharged, on the 15th day of January, 1855, the Secretary of War reports to the President the scarcity of troops, and the pressing necessity for an increase of the army, in these words:

"In the annual report from this Department, of December, 1853, your attention was called to the state of the western Indian tribes, and the causes which tended to bring them into hostility with our citizens. The exposed condition of the settlements on the frontiers, and of emigrants to California and Oregon passing through the Indian country with their property, presented to those warlike and predatory tribes, temptations which it was foreseen would lead them to acts of massacre and plunder, unless they were restrained by the presence of a sufficient military force. The total inadequacy of the present authorized military force for the protection of our citizens was shown, and an increase of the army was urgently recommended. Had the increase of the army which was urged in my report been at an early day authorized, the force at the disposal of the department would have been sufficient to prevent these combinations, and in all probability would have preserved the lives of many valuable citizens from Indian massacre. This measure, however, has not been acted on. The only course now left to the department in anticipation of the proposed increase, is the employment of volunteers to co-operate with such of the regular troops as can be collected for the present emergency, and it is accordingly recommended that authority be asked of Congress to call into service three thousand (3,000) mounted volunteers, to be organized into companies, squadrons, and to serve for a period of eighteen months, unless sooner discharged."

On the 16th of January, 1855, President Pierce sent this letter of the Secretary of War to Congress, and urgently recommended its adoption. Said he:

"The employment of volunteer troops, as suggested by the Secretary, seems to afford the only practicable means of providing for the present emergency."

Senate Ex Doc No. 22, 2d Session 33d Congress, pages 1 and 2.

Thus, it will be seen the Secretary of War and the President of the United States urgently pressed upon Congress to incite the regular army to give more protection to the Pacific coast, from December, 1853,

to the 18th of January, 1855, and even at the last date they earnestly recommended authority to call out three thousand volunteers to protect the emigration and to keep peace with the Indians between Missouri and Oregon.

During the year 1854, the regular army to guard and keep the peace on the whole of our Pacific possessions numbered less than a thousand men. A poor, pitiful little army to guard so rich, so lovely and so desirable a country as the Pacific division of our vast national domain.

On the 7th day of July, 1854, Hon. C. S. Drew, Quartermaster General, of Oregon, reports to Hon. John W. Davis, Governor of Oregon, that

"The Applegate, Klamath, Shasta and Scott Valley tribes have left their usual haunts and gone into the mountains in the direction of the Modoc country, with the avowed determination of joining with the several tribes in that vicinity for the purpose of getting redress for real or imaginary wrongs from any or all citizens who may fall within their grasp." House Miss. Doc. No. 47, 2d Session 35th Congress. page 3.

In this opinion Hon. E. H. Cleaveland, councilman-elect; Hon. Alexander McLutyre, legislative member elect, from Jackson county, Oregon; Hon. O. B. McFadden, Judge of the district court, and Colonel John E. Ross, all concurred and joined in recommending calling out volunteers.

Id. 5.

On the 6th of November, 1854; Captain Walker in his report to Colonel Ross, says:

"The Pi-uetes in the vicinity of the Sierra Nevada mountains are hostile, brave and very numerous. It will take a large force to conquer them."

Id. 14.

On the 18th and 20th of September, 1854, Governor George L. Curry writes to Hon. Joseph Lane, Delegate from Oregon Territory, in these words:

"I enclose herewith a 'slip' containing an authentic account of the massacre of a portion of the immigration to this country in the vicinity of Fort Boise, by a band of Snake Indians. The writer, Mr. Orlando Humason, whom you well know, is a gentleman of the highest integrity, and his statements may be relied upon implicitly."

"The news of this distressing occurrence has occasioned deep feelings in the hearts of the community.

"A United States force, under the command of Major Haller, of the 4th Infantry, and one company of volunteers, commanded by Nathan Olney, Esq., are now in pursuit of the murderers, having engaged in the expedition, upon the reception of the news at the Dalles, with a promptitude the most gratifying and commendable.

"It is very much to be hoped that it may be in the power of the authorities to inflict upon the perpetrators of this great outrage the punishment they so richly merit.

"You will do me a personal favor, and your constituents a great service, by calling the attention of the Department of War to the fact of the necessity of the establishment of a garrison or military post at or near Fort Boise. Were it only kept up during the summer and fall months, while the immigrants are on the road, it would be of incalculable benefit in keeping in check the propensities of the Indians to robbery and violence.

"Other acts of violence have been committed by the Indians on other trails in this Territory. A company of volunteers, under orders from Governor Davis, made an excursion on the south route to meet the immigration and protect it from apprehended danger. A small detachment of this command was attacked by a large body of Indians, in ambush on both sides of the road, near the sink of Lost River. On the middle or new route, coming in, as you remember, from Malheur into Lane county, a Mr. Turner's party was attacked and one man was killed—young Stewart of Corvallis. I cannot but deplore the necessity that demands the enforcement of measures involving such an expenditure of money. But I beg to assure you that the greatest care will be exercised and the most rigid economy practised in the contracting of liabilities. So long as the people of Oregon are left to protect themselves, to punish Indian depredations, and repel Indian hostilities,

the expenses incident thereto ought cheerfully to be paid by Congress, as I have no doubt but that they will be."

Id. 8, 9 and 10.

Hon. D. R. Calhoun, E. W. Conner, W. T. Kershaw, Judge A. M. Rosborough, and E. Steele, (the two latter were both late Indian Agents of Northern California) all state that they knew the character of the Indians on the Southern Oregon emigrant road in 1854, and that these Indians were very hostile at that time, and that an armed volunteer force was absolutely necessary for the protection of the emigration.

Id. 34 to 54.

"In June, 1854, says A. M. Rosborough, Indian Agent, "I was informed by several chiefs of the Scott's and Shasta valley tribes, that runners had been sent to their tribes to summon them to a general war council, to be held at a point on the Klamath called Horse Creek. I consulted with Lieutenant J. C. Bonneycastle, United States army, then stationed at Fort Jones. He and myself concurred in the propriety of advising the chiefs who had reported the movement to attend the war council and report to us the whole proceedings. The chiefs returned from the council and reported the tribes of Illinois river, Rogue river and the upper Klamath river, and their tribes represented in the council; and all but themselves [the chiefs that had reported the movement to me] were for combining and commencing in concert an indiscriminate slaughter of the whites. They reported that they were first importuned to join in the attack, and when they refused again and again, they were threatened by the other tribes with extermination; upon which they withdrew and the council broke up in a row."

Id. 53.

Hon. Nathaniel Ford, Chairman of the Committee on Military Affairs, on the 3d of February, 1858, reported to the Legislature of Oregon the names of persons killed by these Indians, from which it will be seen that prior to 1851, upwards of fifty citizens were murdered by Oregon Indians, and since 1851 up to the date of this report, upwards of one hundred and forty citizens have been murdered by the Indians of southern Oregon and their immediate allies, and about fifty by the Indians of northern Oregon and their allies.

Id. 57.

For a more detailed statement of the deadly hostilities of these Indians, and the absolute necessity for the volunteers of 1854, we respectfully refer to the resolutions of the Legislature of Oregon, found published in the proceedings of the 2d Session of the 35th Congress.

House Miscellaneous Document, No. 47, pages 25 to 30, and 60, and Senate Miscellaneous Document, No. 59, and particularly to the Report of the Commissioner of Indian affairs, of 1854, pages 262, 277 and 278.

Under date of September 11, 1864, Joel Palmer, the Superintendent of Indian Affairs of Oregon, in speaking of the Indians on the Northern emigrant road, says:

"It would appear absolutely necessary to detail a company of mounted men each year to scour the country between Grand Ronde and Fort Hall during the transit of the emigration.

"Official information has been received that an emigrant train has been cut off this season by these savages; eight men have been murdered, and four women, and a number of children taken captive, to endure suffering and linger out an existence more terrible than death. Of this party a lad, wounded and left for dead by the Indians, alone survives. Other trains may meet a similar fate, and none left to tell the tale.

"East of the Cascade mountains, and south of the 44th parallel, is a country not attached particularly to any agency. That portion of the eastern base of this range extending twenty-five or thirty miles east, and south to the California line, is the country of the Klamath Indians.

"East of this tribe, along our southern boundary, and extending some distance into California, is a tribe known as the Modocs. They speak the same language as the Klamaths. East of these again, but extending farther south, are the Mo-e-twas. These two last named tribes have always evinced a deadly hatred to the whites, and have probably committed more outrages than any other interior tribe. The Modocs boast, the Klamaths told me, of having, within the last four years, murdered thirty-six whites.

"East of these tribes, and extending to our eastern limit, are the Shoshones, Snakes or Diggers. Little is known of their numbers or history. They are cowardly, but often attack weaker parties, and never fail to avail themselves of a favorable opportunity for plunder." Report of Commissioner of Indian affairs for 1844, page 262.

R. R. Thompson, Indian Agent, to Joel Palmer, Superintendent:

GRAND RONDE, September 3d, 1854.

"Sir: Additional news from Fort Boise confirms our worst fears. The women and children spoken of as captives in the hands of the Indians, have been murdered in the most cruel manner.

"The facts, as I have been able to gather them are, that on Sunday, the 20th of August, 1854, about noon, thirty Indians came up to Mr. Ward's train from Missouri, which consisted of five wagons. One of the Indians took hold of a horse belonging to the company, and was in the act of taking him off, but was prevented by one of the whites; the Indian thereupon leveled his gun and cocked it, but before he had time to fire the white man shot him with a revolver. The fight then continued until all the men were killed or wounded.

"A short time after the fight a Mr. Yantis and six others, who had returned from an advanced train in search of a cow, came upon the Indians while plundering the wagons, and attempted the rescue of the women and children who were then alive. In which attempt a lad by the name of Amens was killed. This young man is said to have fought bravely; he was seventeen years of age, and was from Missouri.

"Finding the Indians greatly superior in numbers, and but a portion of the company disposed to fight, they were compelled to abandon the captives to their fate.

"When they returned to the place where the wagons were attacked they found Newton Ward, a boy of thirteen or fourteen years of age, wounded, and brought him off; he is still alive and expected to recover. Mr. Yantis despatched a messenger to the other trains in advance of him, informing them of the massacre.

"Messrs. Noble and Humason, with a promptness and energy deserving of great praise, left their trains, and taking what men they could spare, returned to Fort Boise the same evening, where Mr. Yantis was encamped. Notwithstanding their earnest solicitations, they could not induce the party to proceed till morning. This was the 22d. Their force was eighteen men.

"On arriving at the place where the attack was made, they found the bodies of Elezander Ward, his son Robert, Samuel Mulligan, Charles Adams, Mr. Babcock, and a German, name unknown; about a quarter of a mile from this point the bodies of Dr. Adams, a German and a Canadian Frenchman, name unknown. The latter was a packer who had come up a short time before the attack. Following the trail about three hundred yards farther on the body of Miss Ward, 18 years of age, was found, having been shot through the head with a musket ball; her person was much bruised. She had evidently fought with desperation in resistance, the attacks of the savages to accomplish their hellish purposes upon her youthful person. A piece of hot iron had been thrust in her private parts, doubtless while alive. Some distance from here they found the body of Mrs. White. She was stripped of her clothing, scalped, shot through the head, and the skull beaten in with clubs; her person showed signs of their most brutal violence. A quarter of a mile further on, they discovered where the Indians had been encamped; it consisted of sixteen lodges. Here were found the bodies of Mrs. Ward and her three children; her body stripped of its covering and much cut and scarred; a wound on the face, inflicted by a tomahawk, probably caused her death. The children were found lying on the fire, having been buried to death, and the mother, no doubt compelled to witness the horrid tragedy.

"What renders this case still more shocking, Mrs. Ward was pregnant, and would have soon been confined. Several parts of the limbs were picked up some distance from the fire. There were still a lad and three children missing. The boy has since come into Fort Boise, having been wounded in the side with an arrow; he fled to the bushes, and was four days in getting to the fort, during which time he was without food. The arrow passed through the body; the boy in his endeavor to draw it out broke it off at both ends, leaving about four inches in the body, which was extracted at the fort; it is thought he will recover. His name is William Ward. Sixteen bodies were found and buried; three children were not found, but supposed to have been killed.

"The amount of property taken was five wagons, forty-one head of cattle, five horses, and about \$2,000 or \$3,000 in money, besides guns, pistols, &c. This occurred on the south side of Boise river, twenty-five miles east of Fort Boise. * * *

"There is a rumor that three men were killed at a place known as the Kansas prairie, about seventy miles from Fort Boise, on the new road from Fort Hall, known as Jeffer's road; it is said that it occurred on the 14th of August. It lacks confirmation, yet I fear it is true.

"From what I can learn there is a determination on the part of the Snakes to kill and rob all who shall fall into their power. They say that the Americans have been continually telling them that unless they ceased their depredations, an army would come and destroy them; but that no such thing has been done; and that the Americans are afraid of them; and say if we wish to fight them to come on. * * *

Very respectfully your obedient servant,

R. R. THOMPSON,
Indian Agent, Middle Oregon.

JOEL PALMER, Esq..

Superintendent Indian Affairs, Dayton, O. T.

Report Commissioner of Indian Affairs for 1854, page 278.

R. R. Thompson, Indian Agent, to Joel Palmer, Superintendent of Oregon Indian Affairs.

GRANDE RONNE, Sept. 6th. 1854.

Sir: The murder of the three men referred to in my communication of the 3d inst. is fully confirmed. It occurred on the 19th ult., about 95 miles east from Fort Boise, on the Jeffer's road. The train consisted of five wagons, under command of Moses Kirkland, from Louisiana. They were met by eleven Indians, who accosted them in the most friendly manner by shaking hands. Three men who were in the rear of the wagons, after speaking to the Indians, turned to go on, and were fired at, one killed, another wounded. The wounded man has since died. Their names were George Lake and Walter G. Perry. They were from Iowa. Both left families, who are now on their way to Washington Territory. The whites fired and killed two of the Indians. The Indians now retired to a distance, still continuing their fire. At the distance of three hundred yards they wounded a young man from Illinois by the name of E. B. Cantrel, who died from his wounds several days afterwards. The whites in their flight gave up their horses, five in number, upon which the Indians retired.

"I am now waiting for a detachment of United States troops, who are expected here this evening, and will go on with them to the Snake country. The only good a small force can do at this time will be to protect the late immigration.

Very respectfully, your obedient servant,

R. R. THOMPSON,
Indian Agent, Middle Oregon.

JOEL PALMER, Esq.. Superintendent Indian Affairs, Dayton, O. T.

Report Commissioner Indian Affairs, for 1854, page 280.

Having shown the scarcity of U. S. troops, and the deadly hostilities of the Indians, in the next place we propose to answer the question why Oregon, nor the United States, has not paid for the services of these volunteers?

The order of Governor Davis to Colonel Ross, under which Captain Walker's company was organized, required that volunteers and citizens who furnished the supplies, should look to the general government for pay. Said he:

"I am aware of the many embarrassments under which you will labor. * * * * To raise such a command without a single dollar to defray expenses, you will be compelled to rely upon the liberality and patriotism of our fellow citizens, who, in-turn, will be compelled to rely upon the justness of the general Government for their compensation."

We are informed that Major Rains, of the U. S. army, who organized, and received into service Captain Olney's company, verbally told the vol-

unteers the same in substance. Gov. Davis and Major Rains were both officers of the United States. Both were nominated to office by the President of the United States, and both were confirmed by the Senate, and an act of Congress made the Governor of Oregon Territory the Commander-in-Chief of the Oregon Militia.—Oregon at this time was a Territory, and not a State, therefore, she had no voice in conferring the office on the Governor, or Major Rains.

General Wool not only approves the acts of the Governor, but he applauds the promptness in raising volunteers to chastise the Indians for the murder of the Ward family.

Again, it is the duty of the United States to pay the expenses of the protection of the lives and property of her citizens wherever dispersed around the globe.

Under these facts the volunteers nor claimants never asked Oregon to assume these liabilities, but every Legislative Assembly of the Territory memorialized Congress to remunerate her citizens and pay these expenses. House Jis. Doc. No. 47, 2nd session, 35th Congress, pages 7, 25, 26, 27, 29, 30, and 60.

The papers containing a statement of the expenses of these two companies, and the muster rolls, did not reach Washington City until after the adjournment of Congress on the 4th of March, 1855.

The Oregon and Washington Indian War followed in the fall of 1855, and upwards of thirty volunteer companies were engaged in this war.

The Governors of Oregon and Washington Territories differed with General Wool as to the mode and manner of prosecuting the war of 1855. The Governors were in favor of a vigorous prosecution of the war of 1855-6. General Wool refused to prosecute the war during the early part of the winter. They denounced each other like bitter partisan editors of newspapers. The whole expenses of the volunteer of both territories, and their pay, became involved in the bitter feud between their Governors and General Wool so it took Gen. Lane and the Delegate from Washington Territory both upwards of five years to explain these differences, and to get Congress to appropriate two millions eight hundred thousand dollars to pay the expenses of the war of 1855.

This act passed Congress on the 2d day of March, 1861, just before the commencement of the rebellion. Since that time no one asked Congress to pay the volunteers of 1854, until Mr. Henderson some time during the summer of 1866 introduced a bill which failed in the press of business at the close of the session. Mr. Mallory also, in the summer of 1868, introduced a bill in the House which was referred to the Committee on Military Affairs, who instructed Hon. Henry D. Washburn, one of the Committee, to report the bill favorably, providing for the payment of these expenses. The bill was amended and prepared by Mr. Washburn, and it remained in his hands, ready to report one or two weeks before the adjournment of the last Congress; but owing to the press of other business Mr. Washburn could not get the floor to make the report. Thus the business has been twice delayed for want of time.

Another great reason why these volunteers have not been paid by Congress, is that the members have confounded our little war of 1854 with the great Indian war of 1855-6, and the bitter feud which grew out of the latter war between General Wool and the Governors of Oregon and Wash-

ington Territories. This little war has so far been wholly eclipsed by the great Indian war of 1855-6.

They really have nothing whatever to do with each other. The latter created a large debt amounting to several millions of dollars. The claim of 1854 is but a few thousand dollars. In the war of 1855-6 Gen. Wool refused to order the regulars out of winter quarters. In 1854 he ordered all the forces under his command in the vicinity of those roads, to protect the emigrants; and the regulars who could be spared from other duties, twenty-six in number, were in active service in the field in 1854, as long as any of the volunteers.—The regulars and volunteers acted in concert from the time of the news of the Ward massacre until the emigration arrived at the Dalles, and then all the volunteers were discharged.

In 1855 General Wool charged the whites and the Governors of making war. In 1854 he made no such charges, but he and the Governor of Oregon acted in concert, as they should have done, to protect American citizens on American soil.

Great and good men have differed as to the cause of the Indian War of 1855, and of prosecuting it to a successful termination. Gen. Wool may have honestly thought the winter season in Oregon no time to fight Indians. The Governors of Oregon and Washington Territories thought otherwise. Gen. Wool charged the whites in 1855 with commencing the war. The Methodist Conference passed resolutions to the contrary in these words :

"Whereas, our Territories have been the theatre of a disastrous Indian war during the past year; and whereas, an impression has, by some means, been made abroad that the people of Oregon and Washington have acted an unworthy part in bringing it on. Therefore,

"Resolved. That, although there may have been occasional individual instances of ill-treatment of the Indians, by irresponsible whites, it is the conviction of this body of ministers, whose field of labor has been in all parts of the Territories at the beginning and during the continuance of the war, that the war has not been wantonly and wickedly provoked by our fellow citizens, but that it has been emphatically a war of defense; and the defense was deferred as long as christian forbearance would warrant." Senate Mis. Doc. No. 59, 1st Session 36th Congress, page 48.

We cordially agreed with these resolutions as to the war of 1855. The Indians west of the Cascade mountains have generally been comparatively peaceable and quiet, and they may have been sometimes barbarously treated by lawless whites. The Indians on the coast range of the mountains on Rogue river and Willamette valleys have ever been more indolent and less disposed to work or fight than the Indians east of the Cascade mountains. But neither has ever paid but little regard to the eighth commandment, which enjoins upon us not to steal; on the contrary, they have often stolen the stock and cattle of the weak and worn-out emigrant.

We would earnestly request Congress to distinguish between the Indians west of the Cascade mountains, and those east of the mountains.

Until long after the volunteers of 1854 were discharged, it was never asserted by any one that it was the wickedness of the whites which caused the hostilities of the Indians east of the Cascade mountains. No one ever wrote or said that the volunteers or whites were the first aggressors, and that they provoked the Indians to hostilities on these emigrant roads prior to 1855.

These murders and massacres arose from no wickedness or vices of the whites, but from the disposition of the Indians to steal, and plunder, and

their determination to exterminate the whites, and to prevent them from passing through, and from settling the country.

On the southern emigrant road they at the time the first emigrants passed through their country, found one man behind his train and they stealthily followed and killed him, and robbed him of his clothes.

On both emigrant roads east of the Cascade mountains they have always been treacherous and war-like. It is well known that the Cayuse Indians destroyed the Presbyterian Mission at Walla Walla valley without cause and without provocation. In cold blood they murdered Dr. Whitman, their best benefactor, and his family, who had taught them to read, write and to cultivate the soil, and they carried of a number of emigrant women and children who were camped at the mission.

Painted Shirt, one of the chiefs of this tribe, was one of the principal actors of this dreadful massacre.

"After the massacre," says Mr. Stanley, "this man was the one who took a wife from the captive females—a young and beautiful girl of fourteen. In order to gain her quiet submission to his wishes, he threatened to take the life of her mother and younger sister. Thus, in the power of savages, in a new and wild country remote from civilization and all hope of restoration being cut off, she yielded herself to one whose hands were yet red with the blood of an elder brother."

Senate Ex. Doc. No. 1, 2d Session 33d Congress, page 427.

From the organization of our Government up to the present time no part of the United States has been so little protected as the citizens of Oregon were from 1841 to 1855.

To save Oregon from the claws of the British Lion, Congress commenced encouraging emigration to Oregon by passing acts and resolutions, sometimes in the Senate, at other times in the House, from 1840 to 1846, guaranteeing to our citizens 640 acres of land to all who would emigrate to Oregon; and in 1850, by substantially complying with these resolutions and bills, by making generous donations of land to settlers in Oregon; yet, up to 1855, not a foot of land had been purchased from the Indians between the Missouri river and the Cascade mountains. The discovery of gold added fresh impetus to emigration, and thousands of our citizens settled among the Indians before a single foot of land had been purchased from the Indians. The Indians saw that the circle of country upon which they had been accustomed to conduct the hunt and the chase was rapidly contracting. To use their own words "the Bostons"** were advancing with rapid steps towards their accustomed haunts, and they and the buffalo, elk and deer were alike driven back. In 1854, they saw the pressure coming upon them in two opposite directions, from the Pacific as well as from the Atlantic, and taking possession of their country without any remuneration whatever.

In every other country except Oregon and California our Government has made treaties with the Indians for their lands before she encouraged her citizens to pass through or settle in the Indian territory. Generally before the whites were allowed to settle in an Indian country, our Government adopted a sufficient system of distributing annual and semi-annual presents to the Indians, and attempted to induce them to abandon their wandering pursuits of the hunt and the chase, and engage in agricultural avocations as a means of subsistence, before a foot of land was set apart.

*These Indians call all whites "Bostons" because the first vessel they ever saw was from Boston.



